

## REMARKS

The above amendments are provided solely to place this case in better form for appeal and to simplify issues for the purposes of appeal.

The Examiner is thanked for the courtesy of the telephonic Interview of February 18, 2010 wherein the Examiner indicated that independent claim 16 (and the associated dependent claims) were incorrectly rejected under §112 as it did not have the "consisting essentially of" transition phrase.

The claims are thus amended, so that claims directed to non-elected subject matter are cancelled and the only remaining independent claim (claim 10) is the claim where the transition phrase was amended from "comprising" to "consisting essentially of," the issue of the Examiner's §112 rejection.

This amendment also simplifies issues related to the corresponding obviousness rejection by reducing the total number of claims being considered and having all those claims utilize the "consisting essentially of" transition.

Applicants reserve the right to pursue cancelled claims in appropriate divisional and continuation applications which claim priority to the present case.

After the above amendment, application claims 10 and 12-15 are pending in the application. Application claim 10 is the only independent claim.

## CONCLUSION

In light of the above, Applicant respectfully requests entrance of the above amendments after final so as to place this case in better form for appeal.

As a final point, there is also included herewith a petition for a one month extension of time and the associated petition fee. It is believed no further fees are due in conjunction with this filing; however, the Commissioner is authorized to credit any overpayment or charge and deficiencies necessary for entering this amendment, including any claims fees and/or extension fees to/from our **Deposit Account No. 50-0975**.

Respectfully submitted,  
Lewis, Rice & Fingersh, L.C.



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